

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DALER MUHITDINOV,

Defendant.

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Case No. 8:11CR397

ORDER

This case is before the court on the defendant Daler Muhitdinov's Motion for Reconsideration of Defendant's Motion to Review Detention (#17). The defendant moves the court for a hearing for reconsideration of its Order (#16) denying defendant's motion to review detention. The motion sets out several factual issues which the defendant believes are inaccurate as set out in the December 29, 2011 Pretrial Services memo. The defendant is correct in asserting that the memo formed a part of the basis for the court's conclusion that the defendant's detention should be continued. After reviewing the current motion, I find the motion should be denied without hearing.

While the defendant disputes several factual issues in the December 29, 2011 report of Pretrial Services, I find that those issues are not dispositive. This is especially true given the factual allegations set out in paragraph 4 of the Pretrial Services memo. Specifically, the court has a major concern with the defendant's untrue statements to the ICE agents about the presence of, and the defendant's personal relationship with, a woman wanted by ICE who ICE observed entering the defendant's business, and who the agents later found in the business hiding under a tarp. Even if all of the factual issues contained in the defendant's pending motion were, in fact, found to be inaccuracies, the untrue statements

and purposeful concealment by the defendant of a party wanted by ICE, shows by clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of another person or the community.

IT IS ORDERED that defendant's Motion for Reconsideration of Defendant's Motion to Review Detention (#17) is denied without hearing.

Dated this 9th day of January 2012.

BY THE COURT:

S/ F.A. Gossett, III
United States Magistrate Judge